



Attorney Docket # 5253-15RCE

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re RCE Application of
Leo LAUDERBACH et al.
Parent Serial No.: 10/024,684
Parent Filed: December 17, 2001
For: Piston-Cylinder Assembly Having
An Adjusting Device

Check box if applicable:
 DUPLICATE

GENERAL AUTHORIZATION FOR PAYMENT OF FEES
AND PETITIONS FOR EXTENSIONS OF TIME
Submit an original and a duplicate for fee processing

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 03-2412

- [X] Any filing fees required under 37 CFR §1.16.
- [X] Any patent application processing fees under 37 CFR §1.17 not otherwise paid by check.
- [X] The issue fee set in 37 CFR 1.18 at 3 months from mailing of the Notice of Allowance, pursuant to 37 CFR 1.311 (b) provided the fee has not already been paid by check.
- [X] Any filing fees under 37 CFR 1.16 for presentation of extra claims.

Respectfully submitted,
COHEN, PONTANI, LIEBERMAN & PAVANE

By

F. Brice Faller

Reg. No. 29,532

551 Fifth Avenue, Suite 1210
New York, New York 10176
(212) 687-2770

02/27/2004 CNGUYEN 00000100 10024684

02 FC:1252

420.00 OP

Adjustment date: 03/03/2004 SDIRETA1
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Dated: February 23, 2004

03/03/2004 SDIRETA1 00000008 10024684

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Parent Serial No.: 10/024,684

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Examiner: Kramer, D. G.

Group Art: 3683

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop 16, Director of the US Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, on

February 23, 2004
(Date of Deposit)

F. Brice Faller

Name of applicant, assignee or Registered Representative


Signature

February 23, 2004
Date of Signature

Mail Stop 16

Director of the US Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR REFUND

SIR:

Applicants hereby request a refund of \$310.00 of the \$420.00 fee for a two month extension of time which was filed on February 23, 2004 in order to file a Request for Continued Examination.

The two month extension fee was necessary because an advisory action in response to applicants' amendment mailed on December 19, 2003 was not mailed by the examiner until January 28, 2004. However applicants' amendment was timely filed in response to the office action of September 23, 2003, was marked MS-AF in the upper right corner and was mailed to Mail Stop AF.

MPEP 714.13 states that if an applicant replies within two months from the date of mailing a final rejection setting a three month period for response, and the office does not mail an advisory action until after the end of the three month period, the shortened statutory period will expire on the date the examiner mails the advisory action.

STANISLAW J. KOWALEWSKI
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While the MPEP is not explicit with respect to replies mailed within three months, in practice the office has always made every effort to render an advisory action with one month of the end of the three month shortened period. Failure to do so in this case has forced applicants to obtain a two month extension of time in order to file a Request for Continued Examination, whereas a timely advisory action (within one month) would only have necessitated a one month extension of time.

Since the additional month of extension was necessary solely as a result of delays in the Patent Office, a refund of the difference ($\$420 - \$110 = \$310$) is requested.

Respectfully submitted,

COHEN, PONTANI, LIEBERMAN & PAVANE

By 
F. Brice Faller
Reg. No. 29,532
551 Fifth Avenue, Suite 1210
New York, New York 10176
(212) 687-2770

Dated: February 23, 2004